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HAMILTON, BROOK, SMITH &
REYNOLDS, P.C.
530 VIRGINIA ROAD
P.O. BOX 9133
CONCORD, MA 01742-9133

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OFFICE OF PETITIONS

In re Application of

Aceti, et al.

Application No. 09/524,666

Filed: March 13, 2000

Attorney Docket No. SMI-1345pA

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DECISION ON PETITION


This is a decision on the renewed petition under 37 CFR 1.181(a) to withdraw the holding of abandonment, filed February 28, 2007.

The renewed petition under 37 CFR 1.181(a) to withdraw the holding of abandonment is **granted**.

The above-identified application became abandoned for failure to reply to the election/restriction requirement mailed December 28, 2005, set a period for reply of one month from its mailing date. Extensions of time were available pursuant to 37 CFR 1.136. A response was filed on February 2, 2006. By a communication mailed March 9, 2006, petitioner was advised that the response of February 2, 2006, was not proper and the requirement was made for supplemental election. It was believed that no further responses were received within the allowable period, and the application became abandoned on January 29, 2006. A Notice of Abandonment was mailed on November 28, 2006.

The undersigned contacted Examiner Dabney who confirmed that the March 9, 2006, communication set a one-month extendable period for reply. The petition demonstrates that a response was filed on September 11, 2006, with a request for an extension of time within the fifth month. Based on the aforementioned, it appears that the application was improperly held abandoned as a proper response was transmitted prior to expiration of the maximum period for reply. The holding of abandonment is withdrawn, accordingly. No petition fee is due.

The application file is being forwarded Technology Center 2600, GAU 2614, for further processing including treatment of the copy of the September 11, 2006, response that was filed on December 11, 2006.


Kenya A. McLaughlin
Petitions Attorney
Office of Petitions